

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

HARRY E. DAVIS JR.,

Plaintiff,

V.

DON HIATT, et al.,

Defendants.

4:10CV3221

MEMORANDUM AND ORDER

This matter is before the court on its own motion. On November 17, 2010, Plaintiff filed a Complaint in this matter. (Filing No. 1.) On December 16, 2010, the court granted Plaintiff's Motion for Leave to Proceed in Forma Pauperis ("IFP") and assessed an initial partial filing fee pursuant to 28 U.S.C. § 1915(b)(1). (Filing No. 8.) In doing so, the court warned Plaintiff that his case would be subject to dismissal if he failed to pay the initial partial filing fee by January 17, 2011. (*Id.*)

The January 17, 2011, deadline has passed and Plaintiff has not paid his initial partial filing fee in this matter. (See [Docket Sheet](#).) Therefore, Plaintiff's case is dismissed for failing to comply with the court's December 16, 2010, Order. See [Conley v. Holden](#), 109 Fed. Appx. 846 (8th Cir. 2004) (affirming district court's dismissal of inmate's case for failing to pay the assessed initial partial filing fee).

IT IS THEREFORE ORDERED that:

1. Plaintiff's Complaint (filing no. 1) is dismissed without prejudice because Plaintiff failed to comply with this court's order.
2. A separate judgment will be entered in accordance with this Memorandum and Order.

DATED this 16th day of February, 2011.

BY THE COURT:

Richard G. Kopf

United States District Judge

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